

AMENDED IN SENATE MAY 3, 2005

SENATE BILL

No. 704

Introduced by Senator Speier

February 22, 2005

An act to add Part 1.5 (commencing with Section 6720) to Division 5 of the Labor Code, relating to state employees.

LEGISLATIVE COUNSEL'S DIGEST

SB 704, as amended, Speier. State employees: protective clothing.

Existing law requires employers, including state employers, to furnish employment that is safe and healthful for the employee.

Existing law provides for negotiation of certain conditions of employment for represented state workers pursuant to collective bargaining agreements between the recognized employee representative and the state.

This bill would require that, when a collective bargaining agreement to which the state is a party requires the state employer to provide, or provide allowances or other funds to cover some or all of the costs of, uniforms, wearing apparel, or other protective clothing for employees who work primarily outside during certain hours, the uniform, wearing apparel, or other protective clothing shall ~~be adequate to~~ screen the employee from the harmful effects of ultraviolet radiation.

The bill would also require, commencing July 1, 2006, that all state employees who work outdoors receive information on the dangers of sun exposure and ways to prevent and detect skin cancer.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares as follows :

(a) The chief cause of skin cancer is exposure to ultraviolet rays (UV) from natural sunlight and artificial sources.

(b) According to the American Cancer Society, skin cancer is the most common cancer in the United States. One in five Americans will develop skin cancer in his or her lifetime and one American every hour dies from the disease.

(c) Exposure to sunlight over time without adequate ultraviolet radiation screening is pathologic in some cases, as demonstrated by reputable sources including the State Department of Health Services, the Army Center for Health Promotion and Prevention Medicine, the Centers for Disease Control and Prevention, the United States Department of Health and Human Services, the National Institutes of Health, the Occupational Health and Safety Administration of the ~~United~~ United States Department of Labor, and the World Health Organization.

(d) During April 2000, the United States Department of Health and Human Services, in its Ninth Report on Carcinogens, classified solar radiation as a “known human carcinogen” or cancer-causing agent.

(e) Building on this declaration, the federal Office of Safety and Health Administration, in July of 2000, released formal sun safety protection guidelines for outdoor workers. These safeguard measures are summarized in a pocket card entitled, “Protecting Yourself Against Harmful Sunlight.”

(f) In addition, the Centers for Disease Control and Prevention, the World Health Organization, and the State Department of Health Services Skin Cancer Prevention Program, have published guidelines for sun safety and skin cancer prevention for outdoor workers.

(g) State law requires employers to establish an effective system to identify and correct unsafe and unhealthy work practices.

(h) According to the Occupational Safety and Health Administration, of the United States Department of Labor, “Unprotected employees working in sunlight risk exposure to UV radiation, which can cause eye damage, premature aging of the skin, and skin cancers, such as melanoma, the most serious

1 type of skin cancer, which accounts for more than 75 percent of
2 the deaths due to skin cancer.”

3 (i) Skin cancer is highly preventable when specific sun-safety
4 behaviors, such as use of widebrimmed hats, UV-protective
5 sunglasses, long clothing, and sunscreen, are adopted,
6 supplemented by environmental supports, such as the provision
7 of shade, and adoption and implementation of sun protection
8 guidelines and policies.

9 SEC. 2. Part 1.5 (commencing with Section 6720) is added to
10 Division 5 of the Labor Code, to read:

11
12 PART 1.5. SUN EXPOSURE BY STATE EMPLOYEES
13

14 6720. In order to minimize injury from exposure to ultraviolet
15 radiation from natural sunlight, beginning July 1, 2006, all state
16 employees who work outdoors shall receive information on the
17 dangers of sun exposure and ways to prevent and detect skin
18 cancer, including, but not limited to, melanoma. This information
19 may be provided by referring the employee to literature
20 published by the state or federal government, or any other means
21 the state employer develops.

22 6721. When a collective bargaining agreement to which the
23 state is a party requires the state employer to provide, or provide
24 allowances or other funds to cover some or all of the cost of,
25 uniforms, wearing apparel, or other protective clothing, including
26 hats, to a state employee who works primarily outside between
27 the hours of 10:00 a.m. and 4:00 p.m., Pacific standard time, the
28 uniform, wearing apparel, or other protective clothing shall ~~be~~
29 ~~adequate to~~ screen the employee from the harmful effects of
30 ultraviolet radiation. This ~~subdivision~~ *section* shall not be
31 construed to require the state employer to provide, or provide
32 allowances or other funds to cover some or all of the cost of, any
33 item not required by the collective bargaining agreement.